

Resolutions Censuring the President: History and Context, 1st-114th Congresses

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Censure is a reprimand adopted by one or both chambers of Congress against a Member of Congress, President, federal judge, or government official. Censure against a sitting Member involves a formal process that is sanctioned by the Constitution (Article 1, Section 5). *Non-Member* censure, however, is not an enforceable action and has no uniform language. Instead, non-Member censure resolutions may use a variety of terms to highlight conduct deemed by the House or Senate to be inappropriate or unauthorized.

Since 1800, the House and Senate have introduced numerous resolutions to censure or condemn the President. Aside from the exceptions noted below, these resolutions have failed in committee or during floor consideration. Nevertheless, presidential censure attempts have become more frequent since the Watergate era. The most recent censure resolution was introduced on August 18, 2017, as [H.Res. 496](#) (115th Congress). It uses the phrase *censure and condemn* in reference to the current President.

Censure Attempts (Resolution Adopted)

On four known occasions, the House or Senate adopted resolutions that, in their original form, charged a President with abuse of power. All of these measures were simple resolutions. Thus, they expressed the “sense” of the chamber but did not have the force of law.

1. **Andrew Jackson (1834).** Between 1832 and 1833, Jackson vetoed the re-charter of the Second Bank of the United States, removed the government’s deposits, and refused to provide Bank-related documents to Congress. In response, Senator Henry Clay introduced a censure measure resolving that the President “has assumed upon himself authority and power not conferred by the Constitution and laws, but in derogation of both.” The Senate passed the resolution on March 28, 1834, and then refused to recognize Jackson’s “executive protest,” which argued that the Senate’s censure of a non-Senator was “wholly unauthorized by the Constitution.” By early 1837, however, pro-Jackson Democrats gained the Senate majority. On January 16, they voted to “expunge” the censure from the record.
2. **James Buchanan (1860).** On June 13, 1860, the House adopted five resolutions charging the Buchanan Administration with ethical violations. The fourth resolution alleged that the President and Secretary of the Navy Isaac Toucey awarded contracts based on “party relations.” By doing so, the resolution stated, they deserved the “reproof of this House.” However, the fifth resolution, targeting just Toucey, used the word *censured* to condemn

the Secretary's actions. Thus, it could be argued that the House chose a weaker reprimand for the President.

3. **Abraham Lincoln (1864).** In 1864, the Senate considered a resolution reprimanding President Lincoln for re-commissioning two former generals without seeking the chamber's approval. The original measure stated that the arrangement "was in derogation of the Constitution of the United States, and not within the power of the President" to make. As adopted, however, the amended resolution no longer referred to the President. Instead, it affirmed that an officer must be re-appointed "in the manner provided by the Constitution."
4. **William Howard Taft (1912).** In 1912, President Taft was accused of trying to influence a disputed Senate election. The Senate responded with a resolution that "condemned" any presidential attempt to control the seating of Senators, an act that "violates the spirit, if not the letter, of the Constitution." However, the Senate modified the measure, changing *violates* to *would violate*. The resolution thus applied to Presidents in general and not specifically to Taft's past behavior.

Censure Attempts, 1st-91st Congresses (No Resolution Adopted)

Between 1800 and 1952, at least three Presidents were the subject of critical resolutions that were not adopted. One President had his actions condemned with an amendment, while another received harsh criticism via a House committee report.

- **John Adams (1800).** The House charged the President with interfering in judicial proceedings. According to the third of three censure resolutions, President Adams's conduct sacrificed the "Constitutional independence of the Judicial power, and expose[d] the administration thereof to suspicion and reproach." The resolutions were defeated in the Committee of the Whole.
- **John Tyler (1842).** A House select committee issued a report condemning the President for repeated and "abusive exercise" of the executive veto. The House adopted the report but did not approve any censure resolutions. Still, the report itself may be considered a presidential censure. Tyler sent an official protest to the House, which was not recognized.
- **James K. Polk (1848).** As the House considered a resolution congratulating Generals Zachary Taylor and Winfield Scott for their military service during the Mexican-American War, the chamber voted to add the phrase *in a war unnecessarily and unconstitutionally begun by the President*. The amendment passed, but the original resolution was never adopted. The House later adopted another resolution in praise of the generals, and this one included no criticism of Polk or the war.
- **Ulysses S. Grant (1871).** Nine months after the Senate defeated a treaty that would have annexed the Dominican Republic, President Grant deployed naval ships along the Dominican coast. Senator Charles Sumner introduced a resolution that called the action "an infraction of the Constitution of the United States and a usurpation of power not conferred upon the president." The Senate tabled the resolution.
- **Harry S. Truman (1952).** The attempt to censure President Truman followed a major steel worker strike. H.Con.Res. 207 (82nd Congress) condemned the President's seizure of steel-producing facilities "without authority in law." As a concurrent resolution, it required the agreement of both houses of Congress, but it never received floor consideration.

Censure Attempts, 92nd-114th Congresses (No Resolution Adopted)

Richard Nixon's controversial terms in office marked a new period in presidential censures. Since 1972, several Presidents have been subject to multiple censure attempts. Most resolutions have used variations of the phrase *censure and condemn* or, in reference to Presidents Nixon and Clinton, called for the President's resignation. In all cases, though, the resolutions have been referred to committee with no further action. Information on resolutions dated since 1973 is available from Congress.gov.

Richard M. Nixon (1972/1973/1974) (92nd Congress: H.Con.Res. 500; 93rd Congress: [H.Con.Res. 365](#), [H.Con.Res. 371](#), [H.Res. 684](#), [H.Con.Res. 376](#), [H.Res. 734](#), [H.Res. 1288](#), [H.Con.Res. 589](#)). H.Con.Res. 500 cited the President's failure to withdraw American troops as directed by the "Mansfield Amendment." All other resolutions related to the Watergate scandal. Nixon resigned on August 9, 1974, one day after the introduction of his last censure resolution, [H.Con.Res. 589](#).

Bill Clinton (1998/1999) (105th Congress: [H.Res. 531](#), [H.J.Res. 139](#), [H.J.Res. 140](#); 106th Congress: [H.J.Res. 12](#), [S.Res. 44](#)). All resolutions charged abuse of office or obstruction of justice. Three were joint resolutions. Had they passed, the President would have had to sign them, veto them, or allow them to become law without his signature.

George W. Bush (2005/2006/2007) (109th Congress: [H.Res. 636](#), [S.Res. 398](#); 110th Congress: [H.Res. 530](#), [S.Res. 302](#), [S.Res. 303](#), [H.Res. 625](#), [H.Res. 626](#)). [S.Res. 398](#), [S.Res. 303](#), and H.Res. 626 cited "unlawful authorization of wiretaps of Americans." Four other resolutions referred to the war in Iraq.

Barack Obama (2013/2014/2016) (113th Congress: [H.Res. 425](#), [H.Res. 652](#); 114th Congress: [H.Res. 582](#), [H.Res. 588](#), [H.Res. 607](#)). The Obama-related resolutions charged failure to implement foreign policy or enforce the laws, as well as "implementing unconstitutional executive actions."

For additional information on censure resolutions targeting executive branch officials, see CRS Insight IN10774, Congressional Consideration of Resolutions to "Censure" Executive Branch Officials, by Christopher M. Davis; and CRS Report RL34037, Congressional Censure and "No Confidence" Votes Regarding Public Officials, coordinated by Cynthia Brown.

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